

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DARRIN T. RING,)
Plaintiff,)
vs.)
HUMPHREYS COUNTY, TENNESSEE;)
CITY OF WAVERLY, TENNESSEE;)
CHRIS DAVIS, Sheriff of Humphreys County,)
Tennessee;)
TIMOTHY HEDGE, Deputy Sheriff of)
Humphreys County, Tennessee;)
JAMES P. McCORD, Deputy Sheriff of)
Humphreys County, Tennessee;)
JAMES B. LEE, Deputy Sheriff of Humphreys)
County, Tennessee;)
JOSEPH PARNELL, Officer of Waverly Police)
Department;)
and)
KINTA BELL, Officer of Waverly Police)
Department,)
Defendants.)

CASE NUMBER _____

COMPLAINT

Comes now the Plaintiff, by and through his attorneys of record, and for cause of action against the Defendants, both jointly and severally, would respectfully state as follows:

I. JURISDICTION AND VENUE

1. This action is brought against the Defendants pursuant to 42 U.S.C. § 1983 for deprivation of civil rights secured by the Fourth and Fourteenth Amendments to the United States Constitution.

2. Jurisdiction is founded upon 28 U.S.C. § 1331, § 1343(a)(3)(4), and § 1367(a).

This Court has jurisdiction over the Plaintiff's claims of violation of civil rights under 42 U.S.C. § 1983. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 in that the factual acts and omissions which give rise to this cause of action occurred within this district and within one year of the filing of this complaint and this Court otherwise has jurisdiction.

II. PARTIES

3. The Plaintiff, Darrin T. Ring, is a citizen and resident of the United States, domiciled in Humphreys County, Tennessee.
4. Defendant Humphreys County, Tennessee, is a political subdivision of the State of Tennessee, Defendant is and was at all times relevant responsible for the training and supervision of Defendants Chris Davis, Timothy Hedge, James P. McCord, and James B. Lee. Humphreys County at all times relevant has the responsibility, and/ or delegated to Defendant Chris Davis, Sheriff of Humphreys County, the responsibility to establish and implement policies, practices, procedures and customs, used by law enforcement officers employed by Humphreys County regarding arrests and the use of force. At all times, Humphreys County was acting under color of state law. The agent for service of process is County Mayor, Humphreys County, located at Humphreys County Courthouse, Annex Room 1, Waverly, Tennessee 37185-2113.
5. The Defendant, City of Waverly, is a political subdivision of the State of Tennessee. Defendant is and at all times relevant has been responsible for the training and supervision of Defendants Joseph Parnell and Kinta Bell. The City

of Waverly has established and implemented, and/or delegated to Humphreys County the responsibility to establish and implement policies, practices, procedures, and customs, used by law enforcement officers employed by the City of Waverly regarding arrests and the use of force when aid is requested by Humphreys County to assist Humphreys County officers under a mutual aid agreement, whether official or unofficial. At all times relevant, the City of Waverly and its officers were acting under the color of state law. The agent for service of process is Mr. John Williams, Esq., City Attorney for the City of Waverly, 102 S Court Square, Waverly, Tennessee 37185-2113.

6. Defendant Chris Davis is a citizen of Humphreys County, Tennessee, and was at all times herein the Sheriff of Humphreys County and was in charge of the operations and actions of the deputies in his employ. Sheriff Davis had final authority to make policy for the sheriff's office and had been delegated by Humphreys County the responsibility to create and/or implement a policy or regulation which governed the conduct of law enforcement officers in that county as it relates to arrests and the use of force. At all times herein, Sheriff Davis was acting under color of state law. He is being sued in his official and individual capacity.
7. Defendant Timothy Hedge is a citizen and resident of Humphreys County, Tennessee, and was at all times material to the allegations in this complaint, acting in his capacity as a Humphreys County deputy sheriff and was acting under color of state law. He is sued in his individual and official capacity.

8. Defendant James P. McCord is a citizen and resident of Humphreys County, Tennessee, and was at all times material to the allegations in this complaint, acting in his capacity as a Humphreys County deputy sheriff and was acting under color of state law. He is sued in his individual and official capacity.
9. Defendant James B. Lee is a citizen and resident of Humphreys County, Tennessee, and was at all times material to the allegations in this complaint, acting in his capacity as a Humphreys County deputy sheriff and was acting under color of state law. He is sued in his individual and official capacity.
10. Defendant Joseph Parnell was an officer of the Waverly Police Department and was acting by virtue of his position as a law enforcement officer and under color of state law. He is sued in his individual capacity and official capacity as a member of the Waverly Police Department. At all times material to this complaint, Officer Parnell was acting not only as an officer of the Waverly Police Department, but was also acting under a mutual aid agreement with Humphreys County, as will be more particularly stated in this complaint.
11. Defendant Kinta Bell was an officer of the Waverly Police Department and was acting by virtue of his position as a law enforcement officer and under color of state law. He is sued in his individual capacity and official capacity as a member of the Waverly Police Department. At all times material to this complaint, Officer Bell was acting not only as an officer of the Waverly Police Department, but was also acting under a mutual aid agreement with Humphreys County, as will be more particularly stated in this Complaint.

12. Defendant Humphreys County and The City of Waverly had the responsibility to institute adequate policies and procedures regarding its enforcement officers' use of force when detaining citizens or making an arrest of Humphreys County citizens prior to January 2011.
13. Defendant Humphreys County and The City of Waverly had the responsibility to train its officers in the correct use of force procedures to be used when detaining citizens or making an arrest of Humphreys County citizens prior to January 2011.
14. Defendant Humphreys County and/or The City of Waverly had the responsibility to properly train its officers in the correct usage of an immobilizing device commonly known as a taser. A taser is an electroshock weapon that uses electrical current to disrupt voluntary control of muscles.
15. Each and all of the acts of the Individual Defendants and other members of the HCSD and WPD involved in this incident were performed under the color and pretense of the constitutions, statutes, ordinances, regulations, customs and usages of the United States of America and the State of Tennessee, Humphreys County, the City of Waverly, under the color of law and by virtue of their authority as law enforcement officers for Humphreys County and the City of Waverly and in the course and scope of their employment with Humphreys County, the HCSD, the City of Waverly and the WPD.

III. FACTUAL ALLEGATIONS

16. On January 23, 2011, Mr. Ring was in a private residence located in Humphreys County. One of the occupants of the residence set off a fire cracker and a

neighbor, thinking the fire cracker was a gunshot, called the Humphreys County Sheriff's Office to report the disturbance.

17. Defendants McCord, Hedge, and Lee all responded to the radio broadcast from the Humphreys County Sheriff's Department and arrived within minutes of one another at the private residence located at 245 Beck Lane in Humphreys County, Tennessee. All three of the defendants were in the uniform of the Humphreys County Sheriff's Department, were on duty, and were acting under color of state law.
18. Mr. Ring and several other civilians were standing outside the residence talking to one another when the deputies arrived. No laws were being violated at the time by any of the civilians, including Darrin Ring.
19. One of the Deputy Sheriffs had been involved in an unrelated traffic stop when he received the dispatch. The officer left the audio and video equipment running on his cruiser and when he arrived at the private residence the equipment was still in operation, recording approximately one hour of activity. A transcription of the audiotape appears as Exhibit A to this Complaint. The video portion shows Mr. Ring being repeatedly beaten, kicked, and administered multiple taser shocks as set forth in the following numbered paragraphs relating to the civil rights violation occurring at 245 Beck Lane.
20. While Defendants Hedge and Lee were speaking with several of the bystanders Defendant McCord confronted Mr. Ring. Mr. Ring was not violating any law and was just standing in the yard responding to McCord's commands.

21. McCord repeatedly told Ring to take his hands out of his pockets, a command Ring found confusing as his hands were not in his pockets. Darrin Ring was compliant with McCord's instructions, including showing the officer his hands. Mr. Ring kept his hands down beside his body as instructed.
22. Mr. Ring was obviously intoxicated and was responding as best he could to whatever the officer told him to do. If the Defendant felt threatened, many options were available. This would include having Mr. Ring place his hands behind his back, on top of his head or at some other clearly obvious place. Instead, and for no apparent reason, McCord grabbed Mr. Ring and threw him to the ground.
23. It is well established officers have the responsibility to put only truthful statements in their incident and arrest reports. This notwithstanding, as to the incident described above, McCord created a fallacious report.
24. McCord's police report provides that Mr. Ring had: "*stepped away from me creating more distance between us. He then stood straight and angled his body toward me and began to smile. I quickly grabbed his arm and was trying to secure Mr. Ring for my safety and the safety of other deputies on the scene. Mr. Ring pulled away from me and we started to struggle.*" McCord's report reciting these events is untrue and is contrary to the facts as clearly shown on video.
25. As Ring was being thrown to the ground by McCord, Deputies Lee and Hedge joined in the assault on Mr. Ring, despite the fact they were in close proximity to McCord and could see that Ring was presenting no danger to anyone. Still, they joined in the savage beating of Mr. Ring, even going so far as to strip Ring naked in the snow, causing further pain and degradation.

26. For multiple minutes, McCord, Hedge, and Lee mercilessly beat and kicked Mr. Ring while he was lying naked in the snow, offering no resistance whatsoever. Ring was struck with an object thought to be a flashlight repeatedly in addition to being kicked and otherwise beaten.
27. During the assault on Mr. Ring, Deputy Lee used pepper spray on Mr. Ring incapacitating him even further and obscuring much of his vision. Against all known policies and procedures, Lee also got pepper spray on McCord incapacitating his fellow officer.
28. Lee then contacted the dispatcher and requested assistance for more officers, notwithstanding the fact that, by this time, Mr. Ring was writhing in pain, lying naked in the snow, incapacitated.
29. The dispatch from Humphreys County was directed to Humphreys County law enforcement personnel as well to officers employed by the City of Waverly.
30. The City of Waverly is located in Humphreys County, Tennessee. Waverly operates in conjunction with Humphreys County under a mutual aid agreement whereby officers from Waverly will participate in law enforcement activities in Humphreys County. It is the custom, policy, and procedure of the Department of Safety of the City of Waverly and the City of Waverly itself to dispatch its officers to Humphreys County under this mutual aid agreement for law enforcement purposes when requested to do so by Humphreys County.
31. Acting pursuant to this mutual aid agreement as otherwise set forth herein, Officer Parnell, armed with a Taser, arrived at the scene where Mr. Ring had already been beaten and kicked as set forth above. Based on information and belief it is

asserted the Humphreys County does not have direct access to taser devices and thus it was for this purpose that Waverly officers were summoned.

32. Parnell arrived at the scene in full uniform and was on duty as a law enforcement officer and was acting under color of state law.
33. Pursuant to the commands of the deputies from Humphreys County, Parnell began administering multiple taser shocks to Mr. Ring.
34. While Ring was being shocked repeatedly he was being given inconsistent commands by the officers. The purpose of the taser is to incapacitate an individual yet the officers were yelling at Mr. Ring to roll/ turn over, an act which the taser strike rendered him physically incapable of doing, a fact properly trained law enforcement officers would or should know. Mr. Ring was then repeatedly kicked and struck and beaten even further while additional taser strikes were administered to his body while he was lying naked in the snow. This was all done purportedly because of Ring's failure to roll over, something he physically could not do. All of these vicious assaults on Mr. Ring can be observed in the video and Mr. Ring's cries of pain can be heard in the audio portions as well.
35. The brutal and unconstitutional assault on Mr. Ring continued for additional minutes during which time Sheriff Davis arrived on the scene. Davis knew or should have known of the extent of the situation since he had access to a police radio in his vehicle.
36. Sheriff Davis had uncontroverted authority to stop the beating of Darrin Ring occurring at 245 Beck Lane. Inexplicably, he did not do so and instead chose to allow his deputies to continue to beat Ring.

37. The beating Darrin Ring received at the 245 Beck Lane property in Waverly, Tennessee by the Defendant Officers constituted excessive force.
38. At some point, McCord, Hedge, Lee, and Parnell shackled Mr. Ring's feet and hands together.
39. Ring was then covered in some sort of blanket and transported by McCord to Three Rivers Hospital. Sheriff Davis followed in his own vehicle. At some point, Deputy Hedge also arrived at the hospital.
40. Although Ring was severely beaten, blinded by pepper spray, and in obvious pain, Sheriff Davis did not insist that Ring be treated at the hospital. Ring did not want to be touched and just wanted to be left alone. His remarks were construed as "declining treatment" and thus he was taken to the jail.
41. Sheriff Davis, McCord, and Hedge did not relate to the doctors or other medical personnel at the hospital the extent of Mr. Ring's beating and did not truthfully divulge to the medical staff the obvious injuries to Mr. Ring. Thus there was no treatment for Ring at the hospital.
42. Darrin Ring arrived at the jail, still naked, and requested a blanket or covering before being taken in the jail. While still shackled hand and foot, Mr. Ring was placed on a blanket, and was thrown into a jail cell.
43. During the evening hours of January 23, 2011 or during the early morning hours of January 24, 2011, Mr. Ring was in the jail cell with his hands still shackled to his feet. The Sheriff and Deputy Hedge entered the cell, according to Hedge's police report. This was done while acting in their official capacity and under color of state law. Although Ring was restrained hand and foot by mechanical devices,

the Sheriff then began to beat and strike Ring. Ring was also kicked in various places of his body including his ribs. Deputy Hedge either directly participated in the beating or assisted in the beating and acted in concert with Sheriff Davis based on information and belief. Although he had been partially blinded by the pepper spray and was otherwise severely injured, Ring was aware that it was the Sheriff who was personally beating him because he knew the Sheriff, given that the Sheriff had earlier been Mr. Ring's football coach. Mr. Ring also heard the Sheriff's voice taunt him while the Sheriff himself was pushing Ring's head into the wall of the jail cell. This additional beating occurred while Darrin Ring's hands were cuffed and shackled to his ankles.

44. The Sheriff and Hedge then left Mr. Ring in his cell bound hand and foot. By this time, Mr. Ring was having trouble breathing because one of his ribs had been severely injured and had ruptured his lung.
45. The beating of Mr. Ring in the jail cell was observed, in part, by other inmates of the jail including Larry Barbee. Barbee witnessed Mr. Ring, while wrapped in a blanket, being dragged down the hall of the jail. Barbee further saw Sheriff Davis striking Mr. Ring with his knee. Barbee observed Deputy Hedge assaulting Mr. Ring as well.
46. During the late evening hours of January 23, 2011 or during the early morning hours of January 24, 2011, acting pursuant to the policies and procedures of the City of Waverly with regard to the joint cooperation and assistance agreement, Officers Parnell and Bell arrived at the Humphreys County Jail. Parnell and Bell

were acting in their law enforcement capacity and were acting under color of state law.

47. Officers Parnell and Bell entered the jail cell containing Mr. Ring ostensibly to retrieve the probes left in Mr. Ring's body by the taser strikes earlier that evening. Even though Ring was bound hand and foot by various shackles (as verified by the reports of Humphreys County Deputies) Parnell's report indicates that "Ring began to kick and swing his arms at us in the cell." At this point Bell began shocking Mr. Ring with a taser device. Parnell attacked Mr. Ring who was physically handled by Parnell in some fashion causing further pain and agony.
48. At some point following the second beating by Sheriff Davis, one of the female county employees, believed to be Tammy Ross, commented that she had never seen anyone shocked by a taser before. In response, Waverly Officer Kinta Bell offered to show Tammy Ross firsthand a taser experience. Officer Kinta Bell took Ms. Ross to Darrin Ring's cell and advised her to watch him shock and taser Darrin Ring. Officer Kinta Bell then unlocked and opened the secured jail cell, saw Darrin Ring cuffed and shackled and laying in the floor of the jail cell, and asked the female employee to stand back and watch. Then, without any provocation whatsoever, and while Darrin Ring lay helpless and shackled on the floor and in front of an audience, Officer Kinta Bell proceeded to unnecessarily taser Darrin Ring. It is believed that Darrin Ring may have additionally been "dry tasered" as well as being separately tasered with prongs while Mr. Ring was confined in the jail cell. Officer Kinta Bell was acting in his official capacity and under color of state law at all times herein.

49. The use of a taser on Darrin Ring while he lay shackled in the jail cell constitutes unnecessary and excessive use of force.
50. Chris McGowan was an inmate at the time Darrin Ring was brought into the cell and beaten and tasered. Mr. McGowan found taser wires in the cell of Darrin Ring after this taser event occurred.
51. On or about 9:00 a.m. on January 24, 2011, Mr. Ring was taken to the hospital because he was having trouble breathing and was experiencing extreme pain. The transporting officers advised the medical personnel that the reason for the visit was an “altercation with police officer.” The medical records also indicate that Mr. Ring advised the doctors that he had been “beaten up last night.” The medical records established that Mr. Ring was suffering from multiple abrasions, his face was bloody, and he had suffered multiple internal injuries including three rib fractures. After being treated for his injuries, Ring was taken back to the jail.
52. Mr. Ring remained in the jail under warrants obtained by McCord, Hedge, and Lee for alleged aggravated assault on said officers. These and related charges were eventually dismissed by the District Attorney.
53. On or about July 7, 2011, Sheriff Davis issued a public “statement” which provides in part: *“The video [of the beating of Mr. Ring] is a two dimensional depiction of the events on January 23, 2011. It was in the dark and large movements of the deputies are seen. We welcome T.B.I. to investigate the actions and events of that night. We feel our deputies will be shown to have conducted themselves as trained when all the facts come out.”* The “statement” is attached to this Complaint as Exhibit B.

54. Each of the defendants individually, and in concert with the others acted under color of law in their official capacity, to deprive Mr. Ring of his rights to freedom from illegal searches and seizure of his person and his right to freedom from unlawful arrest, detention, harm, punishment, and imprisonment; said rights secured to Plaintiff by the Fourth and Fourteenth Amendment to the Constitution of the United States and by 42 U.S.C. §§ 1983 and 1988.
55. As a direct and proximate result of the intentional, willful and/or recklessly indifferent acts of the defendants, Plaintiff has suffered and sustained severe mental and physical pain and suffering and injury.
56. Plaintiff is entitled to compensation for the constitutional harms that the defendants inflicted upon him including personal injury, loss of liberty, and violation of his constitutional rights.
57. The Defendant Humphreys County and Defendant City of Waverly had an existing policy and procedure, and/or failed to properly train and/or improperly supervised its officers and deputies as to same. This constitutes an actionable cause against Humphreys County and the City of Waverly and against Sheriff Chris Davis in both his individual and official capacities in violation of the Plaintiff's Fourth and Fourteenth Amendment rights under the Constitution of the United States.
58. The above-described deprivations of Plaintiff's constitutional rights are a direct and proximate result of the actions, omissions, policies, and customs of Defendant Humphreys County and the City of Waverly and all Defendants who knew or should have known that the policies, customs, and conduct violated clearly

established constitutional rights that would have been apparent to reasonable persons.

COUNT I

59. In committing the acts complained of herein, Defendants acted under of color of state law to deprive Ring of certain constitutionally protected rights under the Fourth and Fourteenth Amendments to the United States Constitution including but not limited to the right to be free from unreasonable searches and seizure, the right not to be deprived of liberty without due process of law, the right not to be deprived of property without due process of law, the right to be free from excessive use of force by persons acting under color of state law, the right to be free from false arrest, and the right to just compensation for taking of property.
60. In violating Mr. Ring's rights as set forth above and other rights that will be proven at trial, Defendants acted under color of state law and conducted an unauthorized warrantless illegal stop, search, and seizure of Mr. Ring and used excessive force on him. The illegal detention and harm against Mr. Ring included an unauthorized and warrantless illegal search and seizure and the use of excessive force by Defendants in violation of the Plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States.
61. As a direct and proximate result of the violation of his constitutional rights by the Defendants, Plaintiff suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C. § 1983.
62. The conduct of the Defendants was willful, malicious, oppressive, and/or reckless and was of such a nature that damages should be imposed against all Defendants

and, with the exception of Humphreys County and the City of Waverly, that punitive damages should also be imposed in an amount commensurate with the wrongful acts alleged herein in an effort to deter this type of egregious conduct from happening to other citizens of Humphreys County, and with the hopes that Humphreys County executive officers will enact more humane detention policies and procedures, as urged by the court in *Cotham v. Davis, et al.*

COUNT II

63. The Defendant, City of Waverly and Humphreys County has adopted policies, procedures, practices or customs within their respective law enforcement agencies and as part of their mutual agreement to assist one another that allow, among other things, the excessive use of force when other more reasonable and less drastic methods are available.
64. The actions of all Defendants amount to deliberate indifference to the right of the Plaintiff to be free of excessive force and unreasonable search and seizures under the Fourth and Fourteenth Amendments to the Constitution of the United States.
65. As a result of the deliberate indifference to the rights by all Defendants including the City of Waverly and Humphreys County and its agents, servants, and employees, the Plaintiff suffered serious personal injury and is entitled to relief under 42 U.S.C. § 1983.

COUNT III

66. In committing the acts complained of herein the Defendants acted under color of state law by falsely arresting and detaining the Plaintiff with no basis in fact or

law to do so. In violating the Plaintiff's right to be free from false arrest the Defendants violated the Plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States.

67. As a direct and proximate result of the violation of his constitutional right to be free from false arrest by the Defendants, Plaintiff suffered serious personal injury and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C § 1983.

COUNT IV

68. The conduct of the Defendants in seizing Mr. Ring was objectively unreasonable and constituted excessive force and deprived Mr. Ring of his right to be secure in his person against unreasonable seizure guaranteed under the Fourth and Fourteenth Amendments to the Constitution of the United States.
69. The conduct of the Defendants in failing to render immediate medical treatment to Mr. Ring constituted deliberate indifference to Mr. Ring's obvious and serious medical needs and violated Mr. Ring's right not to be deprived of life, liberty, or property without due process of law and to be accorded equal protection of laws and guaranteed to Mr. Ring under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. §1983.

COUNT V

70. With respect to the facts and causes of action against Sheriff Davis, Ring asserts that Sheriff Davis implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of the officers under his command and those which were summoned under the mutual aid agreement of the City of Waverly.

71. Sheriff Davis was summoned to the scene of the initial beating of Mr. Ring and had access to the radio and could determine whether such force was appropriate or required.
72. Sheriff Davis was actually at the scene as Mr. Ring was being subdued and had ample opportunity to familiarize himself with the facts that had transpired and/or could have seen the beating for himself given that the entire incident had been recorded on equipment contained in the patrol vehicle.
73. Sheriff Davis has failed to train or supervise his deputies in a manner consistent with the Constitution.
74. Sheriff Davis was on notice no later than December 16, 2009, in an Order entered by the United States District Court in *Cotham v. Davis and others*, case number 3:08-1022 that he had no effective policies or procedures in place and that at least one of his deputies, Defendant Hedge, had violated the constitutional rights of citizens. In spite of knowing Defendant Tim Hedge had blatantly violated a Humphreys County citizen's civil rights, Sheriff Davis took no action to reprimand Defendant Tim Hedge on Defendant Hedge's improper and illegal conduct prior to this additional incident involving Darrin Ring occurring in January 2011. Such failure to restrain and re-train county employees on proper use of force procedures enhanced and perpetuated a culture of harm and recklessness to the citizens of Humphreys County. Such harm has been exposed by several additional complaints of recklessness by the citizens of Humphreys County.

75. In his “statement” of January 23, 2011, Sheriff Davis specifically stated that the actions of his deputies concerning the incident regarding Mr. Ring as alleged herein was conducted by the deputies as they were “trained” by Sheriff Davis and Humphreys County. See Exhibit B.
76. On or about December, 18, 2010, prior to the incident involving Mr. Ring, Sheriff Davis was placed on notice by a citizen that his deputies had acted violently to other citizens and he was warned if he did not get control of his officers, “They were gonna kill someone.” These allegations are more particularly set forth in *Dreaden vs. Humphreys County, Tennessee, et al*, United States District Court, Tennessee. Case, Number 3:11-cv-01188.
77. Sheriff Davis is the highest municipal policy maker for law enforcement activities as it relates to the Sheriff’s Department of Humphreys County and the deputies under his command and those law enforcement officers who are summoned by the City of Waverly to act in concert with the Humphreys County Sheriff’s Department.
78. The decisions and actions and inactions of Sheriff Davis constitute an action by the municipal policy maker to violate the constitutional rights of Mr. Ring.

79. Sheriff Davis ordered or participated or directed the conduct of his deputies and the responding officers from Waverly and that it was the policy, ordinance, regulation, decision, or customs of Sheriff Davis and Humphreys County that was the moving force behind the constitutional violations against Mr. Ring.

80. As alleged, the City of Waverly and Humphreys County had a mutual aid agreement and, in particular, this contemplated that officers from the City of Waverly would be summoned to assist in law enforcement activities in Humphreys County where a taser was to be used since, on information and belief, Humphreys County did not have access to a taser itself at that point. Thus the harms inflicted by officers from the City of Waverly with the taser against Mr. Ring was part of a practice, policy, or custom of Humphreys County which both Humphreys County and the City of Waverly knew or should have known would have produced severe harm to Mr. Ring in violation of his constitutional rights to be free from unlawful detention and the use of excessive force.
81. The actions of Sheriff Davis, Humphreys County, and the City of Waverly were intentional, malicious, and oppressive and constituted reckless indifference to the needs and rights of the Plaintiff who is thus entitled to damages for violation of his rights under the Fourth and Fourteenth Amendments to the United States Constitution and his civil rights pursuant to 42 U.S.C. § 1983 and, in the case of Sheriff Davis and the other Defendants other than the City of Waverly and Humphreys County, the Plaintiff is also entitled to punitive damages.

82. Defendant Humphreys County knew, or in the exercise of reasonable caution should have known that The City of Waverly had not properly trained its officers on the correct use of the electroshock taser weapon. Defendant Humphreys County owed a duty to the citizens of Humphreys County, including to Darrin Ring, to properly utilize the taser device on its subjects. Defendant Humphreys

County and The City of Waverly breached the duty of proper care owed to Darrin Ring by failure of being aware of the City of Waverly's lack of proper and adequate taser training. Darrin Ring suffered direct harms and losses as a result of this breach of duty owed unto the citizens of Humphreys County and unto himself.

COUNT VI

83. The Defendants City of Waverly, Humphreys County, and Sheriff Davis, by and through their authorized agents, servants, and employees permitted, encouraged, and tolerated an official pattern, practice, or custom of its law enforcement officers with violating the federal constitutional rights of the citizens of Humphreys County, including specifically the Plaintiff.
84. The Defendants City of Waverly, Humphreys County, and Sheriff Davis, by and through their authorized agents, servants, and employees had in place at the time of the incident the following rules, regulation, practices, or customs one or more of which was a proximate result of the injuries to the Plaintiff.
85. The Defendants City of Waverly, Humphreys County, and Sheriff Davis, by and through their authorized agents, servants, and employees had in place at the time of the incident the following rules, regulation, practices, or customs one or more of which was a proximate result of the injuries to the Plaintiff.

86. Defendants City of Waverly, Humphreys County, and Sheriff Davis failed to adequately train and educate their officers in the proper procedures to employ when interacting with citizens who might be intoxicated.

87. Defendants City of Waverly, Humphreys County, and Sheriff Davis failed to adequately train and educate their officers in the proper use of force to subdue a citizen, in particular the proper use of force in subduing a citizen who might be intoxicated and in providing proper medical care to a citizen who is injured by law enforcement.
88. Defendants City of Waverly, Humphreys County, and Sheriff Davis failed to adequately train and educate the officers with respect to the proper methods of using tasers and refraining from the use of such excessive force when not absolutely necessary.
89. Defendants City of Waverly, Humphreys County, and Sheriff Davis failed to discipline their officers with respect to violations of the laws of the State of Tennessee, the Constitution of the United States, and their own policies regarding the use of force.
90. Defendants City of Waverly, Humphreys County, and Sheriff Davis implicitly or explicitly failed to train and supervise their officers which amounts to deliberate indifference to the rights of the Plaintiff to be free from excessive force and unreasonable seizures under the Fourth and Fourteenth Amendments to the Constitution of the United States.
91. The failure of Defendants City of Waverly, Humphreys County, and Sheriff Davis to adequately train and supervise Defendants McCord, Hedge, Lee, Parnell, and Bell amounts to deliberate indifference and reckless disregard to the rights of the Plaintiff to be free from excessive force and unreasonable seizures under the Fourth and Fourteenth Amendments to the Constitution of the United States.

92. The foregoing actions of all Defendants were directly and proximately caused by the policies, practices, and customs of the City of Waverly, Humphreys County, and Sheriff Davis which all were conducted under color of state law to deprive Mr. Ring of constitutionally protected rights including but not limited to the right to be free from unreasonable searches and seizures, the right not to be deprived of liberty without due process of law, the right to be free from excessive use of force by persons acting under color of state law, and the right to proper medical attention after being injured by law enforcement officers, all producing significant injuries to Mr. Ring entitling him to compensation under 42 U.S.C. § 1983

COUNT VII

93. The actions and omissions of the Individual Defendants complained of herein were unlawful, conscious shocking and unconstitutional and performed maliciously, recklessly, fraudulently, sadistically, retaliatory, intentionally, willfully, wantonly and in such a manner as to entitle the Plaintiffs to a substantial award of punitive damages.

PRAYERS FOR RELIEF

94. That process issued to the Defendants and that they be required to answer in the time required by law.

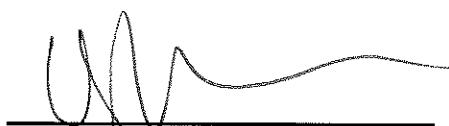
95. That judgment be rendered in favor of the Plaintiff and against the Defendants on all causes of action asserted herein.

96. That Plaintiff be awarded those damages to which he may appear that he is entitled by proof submitted in this case for his physical and mental pain and suffering both past and future, loss of enjoyment of life, and the violation of his

rights guaranteed to him by the Fourth and Fourteenth Amendments to the Constitution of the United States.

97. That as to all Defendants except for Humphreys County and the City of Waverly, that punitive damages be asserted against the remaining Defendants.
98. That as to all Defendants that the Plaintiff be awarded reasonable expenses including reasonable attorneys fees and expert fees and discretionary costs pursuant to 42 U.S.C. § 1988 (b) and (c).
99. That the Plaintiff receive any other further and general relief to which it may appear that he is entitled.
100. That a jury of twelve (12) is demanded.

Respectfully submitted,



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Transcript of Darrin Ring Police Video/ Audio as transcribed 7/14/11

Transcription of wav file: minute: seconds-minute seconds off time on video

Date of video is January 23, 2011. Video begins at 20:27:31 (8:27 pm) and ends at 21:27:32 (9:27 pm). However, hospital record shows arrival at hospital at 8:27 pm and departure from hospital at 8:55 pm. Thus, the time on the video may be off. The time in bold is taken from the camera time shown on the right side of the screen in the video.

WORK PRODUCT HRW

1 **20:28:10**

2 Good evening sir

3 Good evening

4 I'm Deputy Mccord - Humphreys County Sheriffs Department, how are you?

5 Call me Dawson

6 You're awesome?

7 I said call me Dawson

8 Call me Dawson

9 You know why I stopped you this evening?

10 I got a taillight out?

11 You got a brake light out and your registration's expired

12 Well, I just bought this truck, um, there's the papers I bought it. He's supposed to be giving me the title to it but his tag's on it. He told me.....

13 **20:28:44**

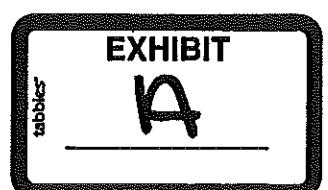
14 You're having a little trouble, uh, marinating your lane aren't ya?

15 Uh, I got too much weight in the back end, (unintelligible)

16 **20:29:03**

17 Where you coming from?

18 Waverly, I'm going to the bar, see that bar over there, (unintelligible) pub, to meet a buddy of mine



1 20:29:25

2 (unintelligible)

3 You just got your drivers license?

4 Yep

5 Here's your bill of sale

6 All right

7 (unintelligible)

8just waiting on my check to go through

9 How many license you got?

10 This one's expired, I had to get that one the other day

11 All right

12 that's my old license

13 20:30:00

14 (radio call)

15 (officer responds to call)

16 here ya go, you have yourself a good evening

17 20:30:46

18 (officer heads to scene)

19 20:39:32

20 (radio chatter)

21 20:39:47

22 10-4

23 20:39:51

24 24 central, same traffic

25 20:39:58

26 10-4

1 **20:40:05**

2 (radio chatter)

3 **20:40:11**

4 10-4

5 Ill ride up and take an actual

6 **20:40:32**

7 central county units have a request for an officer its up in the apartments behind the office, apartment number two. Its gonna be reference to assault.

8 **20:40:57**

9 33- 10-4

10 **20:41:03**

11 its not an active assault right now, something's already happened?

12 **20:41:09**

13 33 10-4. male subject was there earlier, assaulted her and left. He is not on the premises at this time.

14 **20:41:21**

15 22, uh 24, its gonna be [until 11 down here, ill just give you that one]

16 **20:41:27**

17 all the way down at the end, uh, theres a bear cat lane, uh, ive got people standing out on the front porch out here

18 **20:41:44**

19 yes sir, what seems to be the problem

20 I was the one who called, that house right over there

21 The house right over there?

22 Yea, go back around here and turn down that first driveway to your left

23 Ok

24 The driveway follows that tree line over there

25 though you heard gun shots?

1 I, I'm pretty sure it wasn't no firecracker

2 All right, well head down there

3 **20:42:03**

4 You, you can go down through the yard down here if you want to, just don't get stuck

5 Ill go back I don't want to get stuck

6 **20:42:21**

7 22

8 22

9 24-22

10 go ahead

11 my complainant down here, uh, if I turn in front of ya in the driveway it will be back this way

12 **20:43:54-20:44:01**

13 Benji there are three male subjects standing outside the home

14 10-4

15 **20:44:22-20:44:28**

16 this man right here asked you four, five different times by god to leave

17 Hell, it's a [unintelligible]

18 I stood up there on my porch by god and listened to him

19 **20:44:29-20:45:06**

20 How many, how many people we got out here?

21 We got three right now. This is David, Travis and Ira. Travis, this is the man right here that's supposed to be gone.

22 All right, wha...

23 He as... I have...I asked him a blue million times to leave

24 All right, well we got calls of, uh, gunshots. Does anybody here got a gun?

25 No

26 No

27 No sir

1 No

2 Nobody's got any weapons on them?

3 No

4 No sir, I'll tell ya, I'll let ya [check me if ya want me to]

5 Sir, go ahead and pull your hands out of your pockets, sir

6 Stand right back over there, I've got another officer with me, just...

7 Everybody just keep your hands where I can see them

8 **20:45:30**

9 You can, you can check me all day long, I'm out here in my jammies

10 **20:45:34**

11 all right, what seems to be the problem?

12 **20:45:39**

13 and that a good friend of ours, that's Sean

14 **20:45:41**

15 oh, my names Sean, I aint in no trouble, I just trying to see what's going on

16 **20:45:45**

17 I'm outta gas man

18 **20:45:48**

19 this man right here, I don't know what went on [in his head], all I know is I was standing up on my front porch -- {mumbling in background}

20 **20:45:55**

21 you were here?

22 no, I was, I live up there

23 you live next door?

24 yea

25 I live, we live next door

26 yall live next door, who lives here?

27 uh, Michelle Brandly.....Michelle Brandon.....Jamie

1 nobody else is here

2 **20:46:09**

3 all right then, what's the problem?

4 **20:46:13**

5 they asked him, they

6 I outta gas and I cant make it back to the gas station

7 I just put gas in your car.

8 (mumbling)

9 [you put a half gallon]

10 I put a whole gallon in your car

11 it won't make it, it won't make it

12 it will make (interrupted by radio)

13 hey, um do you wanna step over here with me, you guys real quick, you wanna talk to him?

14 yall come over here with me real quick

15 **20:46:37**

16 so you...

17 have you got your id's on ya?

18 has anybody got anything on 'em

19 I aint got nothing on me

20 my id (muffled)

21 **20:46:43**

22 my cars outta gas but I can't make it to town

23 how'd you get down here?

24 why the hell, yall come down here cuz my damn cars outta gas and I can't fucking...

25 you, you drove, you drove your car down here. Did you drive your car down here?

26 yea...I

27 ok, go ahead and take your hands outta your pockets for me

1 20:47:05

2 all right, keep your hands outta your pockets. Do you understand that? Don't put your hands back in your pockets. Do you understand that? Don't put your hands back in your pockets

3 What?

4 cuz I don't want your hands in your pockets. Take your hands outta your pockets and leave them outta your pockets.

5 do you care if I smoke a cigarette?

6 20:47:24

7 I'm not telling you again to take your hands outta your pockets

8 20:47:30

9 {sounds of struggle}

10 20:47:46

11 ahhh, ahhhh, ummmph, ummph

12 20:47:54

13 got him?

14 got him.

15 20:47:57

16 you better settle down buddy

17 settle down

18 20:48:06

19 you better settle down buddy

20 settle down

21 20:48:12

22 (mumbling, heavy breathing)

23 settle down buddy(unintelligible).....settle down....settle down boy.....settle down

24 20:48:34

25 (Loud mumbling)

26 20:48:51

1 ok, settle down

2 quit kicking (officers removing Darrin's pants)

3 quit kicking (officers removing Darrin's pants)

4 **20:48:57**

5 (Loud mumbling, largely inaudible) ... under arrest.. you fucking pigs do whatever you want to

6 **20:49:23**

7 This guys a douche....lets fuck him up

8 **20:49:30**

9 I can't see [anything]

10 **20:49:37**

11 AhhhhhhGrrrrrrrr

12 Don't worry about that

13 Fuck you

14 **20:49:40**

15 mother fuck, hehe

16 **20:49:49**

17 here ya go

18 **20:49:50**

19 Come on

20 (radio traffic)

21 come on around here

22 **20:50:03**

23 What the fuck- you didn't need to spray me... punk... bitch... pig... fuckers... get the fuck off me

24 **20:50:09**

25 Stand on his cuffs

26 **20:50:13**

27 Fucking pigs

1 20:50:23
2 stand on his arms
3 right here?
4 20:50:29
5 better settle down and quit it
6 20:50:39
7 You want a turn?
8 20:50:46
9 you all right?
10 20:50:50
11 hey, hey, you all right?
12 20:50:58
13 Yea, I'm all right
14 20:51:13
15 see if they can get another unit out here- City
16 (radio traffic)
17 20:51:42
18 yall all right? If you need some help I got...(unintelligible)
19 20:51:51
20 stop fucking moving. You think I'm fucking with you
21 20:51:55
22 (unintelligible)

23 20:52:15
24 Got your asp?
25 I ain't got it with me
26 Got your asp? (inaudible)
27 here ya go

1 Go ahead

2 (inaudible)

3 Yea, go ahead

4 **20:52:19**

5 here ya go

6 **20:52:35**

7 you see what I got in my hand? You move and ill fuck you up.

8 **20:52:50**

9 (cough)

10 don't fucking spit

11 **20:52:53**

12 stop it

13 **20:53:02**

14 quit resisting, quit resisting, quit resisting, quit resisting

15 **20:53:11**

16 Ahhhhhh

17 **20:53:16**

18 quit resisting

19 **20:53:20**

20 get the fuck off me you punk ass pig

21 quit resisting

22 **20:53:37**

23 fucking punk

24 quit resisting

25 pig (unintelligible)

26 **20:53:50**

27 bullshit

1 quit resisting

2 **20:54:01**

3 Did one go in the house

4 they can't go in the house

5 they can't go in the house?

6 go get me a wet towel

7 (unintelligible)

8 ahhhhhhh

9 (on radio: We got one that's fighting us pretty good, etc.)

10 quit resisting, quit resisting, quit resisting

11 **20:54:22**

12 It's on the left

13 **20:54:28**

14 fuck, pig

15 quit resisting

16 ahhhhhhh

17 quit resisting

18 ahhhhhhh

19 quit resisting

20 ahhh, dag namit

21 **20:54:52**

22 you god damn pig, fuck yall

23 quit resisting

24 I don't know you fucking pig, but I hate every goddamned one of you

25 **20:55:03**

26 quit resisting

27 ahhhhh

1 20:55:11

2 Quit resisting

3 20:55:13

4 fuck you, ahhhhh

5 20:55:20

6 quit resisting

7 quit resisting

8 20:55:24

9 that means don't fucking move

10 quit resisting, quit resisting

11 ahhhhh

12 quit resisting, quit resisting

13 ahhhhh....fuck you pig....ahhhhhh

14 20:55:51

15 Hey james, james

16 yea

17 get that decon kit outta the back of the car if you have it ready

18 im working on it

19 20:56:00

20 (unintelligible)

21 20:56:12

22 ahhhhh

23 quit resisting

24 quit beating me with damn (unintelligible)

25 20:56:21

26 you quit moving

27 piece of shit

1 you quit moving

2 **20:56:30**

3 where the other guys at right now

4 they're over there all together

5 hey they aint fishing for a gun or nothing like that?

6 oh, no no no

7 that aint gonna happen

8 **20:56:42**

9 You still see my spray on the ground

10 It's right over here

11 {radio traffic}

12 **20:56:45**

13 (unintelligible)

14 **20:56:59**

15 (unintelligible)

16 **20:57:43**

17 did you see what he did with James?

18 yea

19 when it started

20 yea

21 **20:57:50**

22 Whoa.....hey hold up hold up hold up

23 what are you doing

24 he's giving him a towel

25 ok

26 **20:58:29**

27 I just want to tell you I appreciate you being compliant right now

1 fuck you

2 hahaha

3 **20:58:37**

4 ok, yank the cord

5 what is that thing sir?

6 Part of my recorder that probably broke

7 **20:58:47**

8 You know what... I don't know what the (unintelligible)

9 **20:59:09**

10 stay down

11 he was going for your gun

12 yea

13 whenever I dropped to the ground... one of them things a cop (unintelligible) .. hit the ground and back up backwards

14 here hit him again

15 stop resisting

16 stop resisting, lay still

17 he's hopped up on something

18 **20:59:39**

19 this is where tasers come in nice

20 yea, haha

21 that's what the city will have when they get here

22 I was against it, but

23 They'll tase his ass in just a minute

24 cuz when I came up on him right then and when I went to grab him I felt that tug on me, on the

25 belly right there

26 **21:00:06**

27 you might have to get you a new asp buddy

1 they need to have that taser ready

2 (unintelligible)

3 I realized something that they didn't give me the stream they gave me the cone I don't know if you noticed that when it came out

4 you alright?

5 Go on back there man.....go get you some of that water- you got that decon (unintelligible)

6 I can't find it

7 check mine, look in the back of mine and go to uh, either the bottom of the black bag, or uh, it's

8 in there just check mine, pop my trunk and look in my shit should be there

9 is this yours sir

10 yea, just uh, hold onto it there for a sec for me if you don't mind

11 I don't mind

12 anyway what was going on.....out here

13 oh I don't know

14 what was going on? Michelle come up there and got me

15 uh hang on a sec

16 **21:01:06**

17 Get your taser out and were gonna roll him over on his belly and if he even flinches shoot his ass. Do you understand that? Were gonna roll you over on your belly and if you move you will be tased with volts of electricity. Do you understand that? Do you understand that?

18 Do I understand that

19 roll him over

20 roll him

21 put your hands out right in front of you. Roll over to your left. Tase him. Tase him

22 quick tase him

23 back up back up

24 ahhhhhhhhh

25 roll over on your belly, roll over on your belly

- 1 don't touch him, don't touch him
- 2 back off
- 3 do not move
- 4 tase him again
- 5 ahhhhhhh
- 6 roll over
- 7 quit resisting
- 8 get on your stomach
- 9 quit resisting
- 10 get on your stomach
- 11 get on your stomach
- 12 roll over to your stomach
- 13 roll over onto your stomach
- 14 roll over to your stomach
- 15 roll over to your stomach
- 16 **21:01:56**
- 17 I can't {taser heard in background}
- 18 roll over on to your stomach
- 19 roll over to your stomach
- 20 roll over on to your stomach
- 21 **21:02:00**
- 22 I ain't able to roll {yelling and kicking}... over on my stomach

- 23 roll over on to your stomach
- 24 roll over
- 25 **21:02:07**
- 26 ahhhhh god damn
- 27 roll over on to your stomach

1 roll over

2 I aint done nothing to you

3 roll over on to your stomach

4 roll over

5 roll over on to your stomach

6 roll over on to your stomach

7 roll over

8 ahhhhh

9 **21:02:24**

10 Hit that leg

11 you got that shit out the way?

12 roll over on to your stomach

13 roll over on to your stomach

14 roll over on to your stomach

15 roll over

16 **21:02:38**

17 Wow

18 Roll over

19 Yeah, he's hopped up on some shit

20 Um hm

21 **21:02:45**

22 I don't know what the ...

23 roll over on your stomach

24 I ain't never rolled over...

25 roll over on your stomach

26 ... on my stomach 'cuz I don't know what the fucking deal is

27 roll over on your stomach

1 roll over on your stomach

2 Tase him again

3 Hold on, I'm gonna pull these probes

4 (unintelligible)

5 Just a minute- just a minute

6 I got a pair of shackles

7 hey I got some in my car too

8 grab a pair of shackles and get his feet shackled

9 I missing a damn good movie on account of all this shit

10 **21:03:59**

11 hey Benji just pull your car up here

12 do what?

13 go on pull your car up here

14 hey you gonna pull your car up here

15 **21:04:27**

16 let's get some cuffs and cuff him to these, put two or three cuffs and well cuff em to his feet

17 I have one set that broke over there

18 I got two in my back

19 I've got one right here

20 somebody's recorder is right there on the ground

21 right behind those city officers- probably mine

22 **21:04:34**

23 got a set of keys right here

24 probably mine

25 got a little orange (unintelligible)

26 these yours Tim

27 na

1 **21:04:59**

2 get in

3 get in the car

4 (heavy breathing)

5 **21:05:26**

6 yall see anymore cuffs on the ground

7 **21:06:03**

8 cigarettes, money

9 leave it alone, leave it alone, back up

10 **21:07:22**

11 you gonna be able to drive?

12 shit, I don't know

13 **21:07:56**

14 I got a recorder missin and I got uh, I got a set of keys missing

15 wait a minute, this one's yours- you got a set of keys missing?

16 Yea

17 did they have something orange on em?

18 no, they had a monkey's fist. Let me pull up my patrol and see if I didn't drop in there when I

19 was lookin for my...

20 I was lookin for my decon kit

Re: Statement from Sheriff Chris Davis, Humphreys County

Subject: Patrol Car "In Car Video": January 23, 2011

From: Grey Collier
Humphreys County PIO
931.209.5687

Date: 7/7/2011

Message:

"The video is a two dimensional depiction of the events on January 23, 2011. It was in the dark and large movements of the deputies are seen. We welcome the T.B.I. to investigate the actions and events of that night. We feel our deputies will be shown to have conducted themselves as trained when all the facts come out. This should be resolved through the investigation and subsequently in a court of law if needed. Any further statement at this time would be careless given the nature of the investigation."

Sheriff Chris Davis
Humphreys County Sheriff's Department

EXHIBIT

B